

**MINUTES OF THE CITY COMMISSION MEETING
APRIL 12, 2004**

The City of Leesburg Commission held a regular meeting Monday, April 12, 2004, in the Commission Chambers at City Hall. Mayor Knowles called the meeting to order at 5:30 p.m. with the following members present:

Commissioner John Christian
Commissioner Bob Lovell
Commissioner Ben Perry
Commissioner Lewis Puckett
Mayor David Knowles

Also present were City Manager (CM) Ron Stock, City Clerk (CC) Betty Richardson, City Attorney (CA) Fred Morrison, the news media, and others.

Commissioner Christian gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD
MARCH 22, 2004 AND VISION MEETING HELD FEBRUARY 16, 2004**

Commissioner Lovell moved to approve the City Commission minutes of the regular meeting held March 22, 2004. Commissioner Perry seconded the motion and it carried unanimously.

Commissioner Lovell moved to approve the City Commission minutes of the Vision Meeting held February 16, 2004. Commissioner Perry seconded the motion and it carried unanimously.

PRESENTED SERVICE AWARDS

Electric & Gas Director Lloyd Shank presented a service award to Alexander Ogilvie, IV for fifteen years in the Electric Department.

**HEARD PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL
REPORT PRESENTED BY MARK WHITE, PURVIS GRAY & COMPANY**

Mark White, Purvis Gray and Company, the City's Auditors, presented the Comprehensive Annual Financial Report (CAFR) for year ending September 30, 2003. His firm has given the City of Leesburg an unqualified opinion with no material weaknesses and no reportable conditions in the internal control structure. Mr. White advised there are several Management Letter recommendations in the report.

Mr. White reviewed the complete reformatting of the CAFR and changes in reporting requirements imposed by GASB 34: All capital assets now on the Balance Sheet and infrastructure of approximately \$31M (City owned roads & streets, curbing, etc.) now recorded in the financial statements; Managements discussion, and analysis (an executive summary of the financial activities of the City) provides an overview of the government wide as well as fund level statements, discusses all capital asset activity, debt administration, etc.

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Mr. White reviewed new pages in the CAFR (pages 16 & 17 attached) showing the Governmental Activities (General Fund, Special Revenues, Debt Service, Capital Projects, and any other non-utility) and Business Type Activities (all Enterprise Funds). Mr. White pointed out total unrestricted net assets for the City are \$37.5M, which could be considered the net working capital.

Commissioner Perry asked the amount of the net working capital last year. Mr. White stated the statements were not prepared in the same manner last year, so that information is not on one page as it is this year. In the business-type activities, the amount was around \$40M last year. Most of the change (70% to 80%) from \$40M to the \$31M shown this year went into property, plant, and equipment.

Mr. White reviewed the handouts (attached) given to the Commission: Statements of Revenues, Expenditures and Changes in Fund Balance 1997-2003; Fund Balance Analysis 1997-2003; Statements of Revenues, Expenses, and Changes in Fund Net Assets; and Condensed Financial Statements 1997-2003 for the Electric, Gas, Water, Wastewater, and Sanitation Funds. Mr. White advised the financial statements for the utilities show negative figures in four funds after transfers with Wastewater showing a negative figure before transfers as well.

Commissioner Lovell left at 6:06 p.m. and returned at 6:12 p.m.

Mr. White reviewed the ten recommendations listed in the Auditor's Management Letter (pages 118, 119 & 120). He commented the payroll overtime policy has been changed which will cut the overtime costs. The Electric and Water funds net losses are primarily due to transfers to finance special one-time projects. The Gas and Wastewater funds revenues are not keeping up with costs. To maintain the health of the Utility funds and comply with Ordinance No. 00-35, which does not allow operating transfer out of the utility funds if they result in a net loss to the fund, Purvis Gray recommended the City review rates and costs for all utility funds for possible changes.

CM Stock advised staff has been hesitant to raise rates and made a conscious decision not to do so until it became absolutely necessary. With the new Wastewater Treatment plant coming on line, a step increase has been implemented for Wastewater. When the third step of the increased is implemented October 1, 2004, Wastewater will be back in a positive position. The City purchased a building for the Gas Department by using operating revenues. The increased cost to provide Electric is not passed through to the customers in a timely basis. Staff sometimes has a lag time of thirty to sixty days before the BPCA can be changed. Staff is looking into new methods of calculations and has hired R.W. Beck to review electric and gas rates. CM Stock also advised \$2M was spent on capital projects on a one-time only basis. The City has sufficient assets and there is not a similar one-time transfer in this year's budget. This is a one year "blip."

Commissioner Puckett left the room at 6:34 p.m. and returned at 6:41 p.m.

CM Stock advised staff set aside funds for several years to build the Police Department and purchase equipment, which cannot be considered spending reserves. Staff has encroached very little into reserves.

Mayor Knowles thanked Mark White and said it is great to have a City worth \$153M.

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PROCLAMATION

Mayor Knowles advised he will read the proclamation for The Reverend Doctor Terry W. Jackson Day at the celebration April 18, 2004.

CONSENT AGENDA:

Commissioner Perry moved to adopt the Consent Agenda and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the Consent Agenda as follows:

PURCHASING ITEMS:

1. LB-04-01 Phase II of Sleepy Hollow Recreation Complex awarded to Signature Enterprises, Inc. for \$412,664.00.
2. LB-04-23 Watt-hour meters and accessories awarded to various vendors for a total of \$407,405.21.

RESOLUTIONS:

RESOLUTION 7086

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Signature Enterprises, Inc. to complete construction of Phase II of the Sleepy Hollow Recreation Complex pursuant to Bid LB-04-01, and providing an effective date.

RESOLUTION 7087

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an amendment to the agreement between the City of Leesburg and Lake County Board of County Commissioners related to additional funding contribution of resort tax funds for construction of certain facility enhancements at the Sleepy Hollow Recreation Complex; and providing an effective date.

RESOLUTION 7088

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Gayco Electric, Inc. for the purpose of providing fiber optic installation services on a continuing basis, and providing an effective date.

RESOLUTION 7089

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Traffic Control Devices, Inc. for the purpose of providing fiber optic installation services on a continuing basis, and providing an effective date.

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RESOLUTION 7090

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Henkles & McCoy, Inc. for the purpose of providing fiber optic installation services on a continuing basis, and providing an effective date.

RESOLUTION 7091

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Viasys Services, Inc. for the purpose of providing fiber optic installation services on a continuing basis, and providing an effective date.

RESOLUTION 7092

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute a second amendment to lease between the City of Leesburg and Philip Conner for property at the Leesburg Regional airport; and providing an effective date.

RESOLUTION 7093

A resolution of the City commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Lewis Bell for removal of Port O Port Hangars "A", "B", "C", "D", "E", "F", "G", "H", and "J" at Leesburg Regional Airport; and providing an effective date.

RESOLUTION 7094

A resolution of the City Commission of the City of Leesburg, Lake County, Florida, authorizing the Mayor and City Clerk to execute an agreement with Florida Gas Transmission to construct a new gate station in the vicinity of the intersection of County Road 44 Leg A and U.S. Highway 441; and providing an effective date.

RESOLUTION 7095

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a joint attachment agreement between the City of Leesburg and Sumter Electric Cooperative, Inc.; and providing an effective date.

RESOLUTION 7096

A resolution of the City Commission of the City of Leesburg, Florida, finding a vacancy exists on the Police Officer's 185 Retirement Trustee Board due to Danny "Al" Schmid's resignation, appointing Sanford Earl Underwood; with term expiring December 31, 2005; providing an effective date.

RESOLUTION 7097

A resolution of the City Commission of the City of Leesburg, Florida, granting a permit under §18-1 of the Code of Ordinances, to MS Holdings, LLC, for an encroachment of three feet, more or less, onto the right of way of Fourth Street, and an encroachment of five feet, more or less, onto the right of way of Market Street, for awnings and balconies to be constructed during renovation of a structure owned by MS Holdings and located on Lot 23, north of Main Street, in the City of Leesburg, Florida; and providing an effective date.

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OTHER AGENDA ITEMS:

1. Approve appropriation of forfeiture funds to purchase fifty M-26 advanced Tasers

PUBLIC HEARINGS:

ADOPTED ORDINANCE 04-14 ANNEXING APPROXIMATELY 4.42 ACRES WEST OF U.S. HWY 27 AND NORTH OF PELICAN ISLE DRIVE IN SECTION 14-20-24 (WRIGHT & BATCHELLER)

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 4.42 acres and being generally located west of U.S. Highway 27 and north of Pelican Isle Drive, lying in Section 14, Township 20 south, Range 24 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said City as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be put in City Commission District 3; and providing for an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the ordinance was adopted.

ADOPTED ORDINANCE 04-15 AMENDING THE COMPREHENSIVE PLAN, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF 4.42 ACRES WEST OF U.S. HWY 27 AND NORTH OF PELICAN ISLE DRIVE IN SECTION 14-20-24 FROM COUNTY URBAN TO CITY COMMERCE (WRIGHT & BATCHELLER)

CC Richardson read the ordinance by title only, as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 4.42 acres and generally located west of U.S. Highway 27 and north of Pelican Isle Drive, lying in Section 14, Township 20 south, Range 24 east, Lake County, Florida, from County Urban to City Commerce; and providing an effective date.

Mayor Knowles requested public comments. There were none.

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Commissioner Perry moved to approve the ordinance and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Five yeas, no nays, the ordinance was adopted.

ADOPTED ORDINANCE 04-16 REZONING APPROXIMATELY 4.42 ACRES WEST OF U.S. HWY 27 AND NORTH OF PELICAN ISLE DRIVE IN SECTION 14-20-24 FROM COUNTY R-6 AND C-1 TO CITY C-3 (WRIGHT & BATCHELLER)

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately 4.42 acres generally located west of U.S. 27 and north of Pelican Isle Drive, lying in Section 14 , Township 20 south, Range 24 east, Lake County, Florida, from County R-6 (Urban Residential) and C-1 (Neighborhood Commercial) to City C-3 (Highway Commercial); and providing an effective date.

Mayor Knowles requested public comments. There were none.

Commissioner Perry moved to approve the ordinance and Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Five yeas, no nays, the ordinance was adopted.

ADOPTED ORDINANCE 04-17 ANNEXING APPROXIMATELY 17.82 NORTH OF U.S. 441 AND SOUTH OF S.R. 44 IN SECTION 16-19-25 (PURDUM, BLUE NILE & COMCAST PROPERTIES)

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 17.82 acres and being generally located between CR 44 on the north and CR 44 Leg A on the south, lying in Section 16, Township 19 south, Range 25 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of

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Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be put in City Commission District 1; and providing for an effective date.

Mayor Knowles requested public comments. There were none.

Commissioner Lovell moved to approve the ordinance and Commissioner Perry seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the ordinance was adopted.

ADOPTED ORDINANCE 04-18 REZONING APPROXIMATELY 17.82 ACRES NORTH OF U.S. 441 AND SOUTH OF S.R. 44 IN SECTION 16-19-25 FROM COUNTY R-1 AND CP TO CITY C-3 (PURDUM, BLUE NILE & COMCAST PROPERTIES)

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately 17.82 acres generally located north of U.S. Highway 441 and south of State Road 44, lying in Section 16, Township 19 south, Range 25 east, Lake County, Florida, from County R-1 (Urban Residential) and CP (Planned Commercial) to City C-3 (Highway Commercial); and providing an effective date.

Mayor Knowles requested public comments.

CA Morrison swore in Bill Thurber. Mr. Thurber stated the property on Hwy 44 should not be turned into commercial property. The airport is in this area and commercial buildings could endanger airplanes taking off and landing. He said the City should annex the property and keep it as a wooded area. Several other areas that are already zoned commercial should be built up before changing this property to commercial. The wooded area is higher than Comcast and if a building as large as Comcast were constructed, there may not be enough clearance for airplanes.

Commissioner Lovell moved to approve the ordinance and Commissioner Perry seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the ordinance was adopted.

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ADOPTED ORDINANCE 04-19 AMENDING §25-21 SCHEDULES OF REGULATIONS TO ADD AN INSTITUTIONAL DISTRICT; AMENDING §25-37 TO PROVIDE FOR PERMITTED USES WITHIN THE DISTRICT

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, amending §25-21 Schedules of Regulations to add an Institutional District; amending §25-37 to provide for permitted principal, accessory and conditional uses within the district; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Five yeas, no nays, the ordinance was adopted.

ADOPTED ORDINANCE 04-20 AMENDING SECTIONS 22-246 AND 22-249 OF THE CODE OF ORDINANCES PERTAINING TO RATES AND CHARGES FOR NATURAL GAS SERVICES FOR AFTER-HOURS SERVICE CALLS AND NORMAL SERVICE CALLS

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida amending Sections 22-246 and 22-249 of the Code of Ordinances pertaining to rates and charges for natural gas services; adding an additional service charge for after-hours service calls; increasing the service charge for normal service calls; increasing the reconnection charge in the “large industrial” classification and other fees in that classification; repealing conflicting ordinances; providing a severance clause; and providing an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Five yeas, no nays, the ordinance was adopted.

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ADOPTED ORDINANCE 04-21 ACCEPTING AN UTILITY EASEMENT FROM GEORGE W. SMITH, III FOR LAND IN SECTION 23-19-25 (VISTA AVENUE AND US HWY 441)

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from George W. Smith, III, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 23, Township 19 south, Range 25 east, Lake County, Florida; and providing an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the ordinance was adopted.

ADOPTED ORDINANCE 04-22 AMENDING THE RETIREMENT PLAN FOR THE GENERAL EMPLOYEES AMENDING SECTION 8, DISABILITY

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, amending the retirement plan for the general employees for the City of Leesburg, adopted pursuant to Ordinance No. 03-57; amending Section 8, Disability; providing for codification; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the ordinance was adopted.

ADOPTED ORDINANCE 04-23 AMENDING VARIOUS SECTIONS OF THE CITY CHARTER AND CODE OF ORDINANCES SEPARATING THE CITY CLERK AND FINANCE DIRECTOR POSITIONS

CC Richardson read the ordinance by title only, as follows:

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An ordinance of the City of Leesburg, Florida, amending various sections of the City Charter and Code of Ordinances which refer to or specify duties for the City Clerk/Finance Director, City Clerk or City Finance Director, for the purpose of separating the two positions which were formerly unified and allocating the responsibilities of the positions; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Lovell moved to approve the ordinance and Commissioner Perry seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Five yeas, no nays, the ordinance was adopted.

INTRODUCED AN ORDINANCE AMENDING THE FISCAL YEAR 2003-04 BUDGET FOR THE GENERAL, CAPITAL PROJECTS, ELECTRIC, GAS, WATER, AND WASTEWATER FUNDS

Commissioner Lovell introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance of the City Commission of the City of Leesburg, Florida amending the Fiscal Year 2003-04 Budget for the General, Capital Projects, Electric, Gas, Water, and Wastewater Funds, and providing an effective date.

INTRODUCED AN ORDINANCE VACATING AN UTILITY EASEMENT OVER A PORTION OF LOT 34, IN THE MEADOWS OF LEESBURG OWNED BY RALPH & MARIANNE ERB

Commissioner Perry introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, vacating a utility easement over a portion of Lot 34, The Meadows of Leesburg, as recorded in Plat Book 27, Page 69, Public Records of Lake County, Florida, owned by Ralph E. Erb and Marianne Erb, said property generally located west of Ginger Circle in The Meadows of Leesburg, lying in Section 35, Township 19 south, Range 24 east, Lake County, Florida; and providing for an effective date.

CITY ATTORNEY ITEMS

1. Update on moratorium on adult gaming arcades
CA Morrison advised the Commission passed a moratorium on the approval of additional conditional use permits for adult gaming arcades. The moratorium was to be in effect for a period of six months or until there was a definitive court decision on the legality of those

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types of uses, whichever came later. Under the moratorium, the two permits issued would not have been affected and would have been able to continue in business. Club Bogart was open, but the second person never opened and the CUP expired. Club Bogart remained in operation until earlier this year, when the State Attorney's office sent them a letter stating the Club might be in violation and Mr. Lees voluntarily closed. Mr. Lees later received a letter from the State Attorney's office giving a little different opinion from the first letter and Mr. Lees requested the City to lift the moratorium.

CA Morrison said he has researched the matter and it is his opinion the conditions in the original moratorium have not been met and the moratorium should continue in effect. He pointed out that Mr. Lees could have remained in operation as far as the City is concerned. He voluntarily closed his business and now wishes to reopen in a different location. By voluntarily closing his business, he rendered himself subject to the moratorium.

CITY MANAGER ITEMS

1. CM Stock stated the Visioning Goals for Fiscal Year adopted in 2002 are probably those the Commission would like continued when preparing the budget for 2004-05. Commissioner Christian stated he is in agreement with the listed goals.

Commissioner Perry moved to approve keeping the same Visioning Goals for Fiscal Year 2004-05. Commissioner Puckett seconded the motion and it passed unanimously.

2. CM Stock stated the Budget Calendar for Fiscal Year 2004-05 has been prepared, and was distributed in the agenda packets. Commissioner Lovell moved to approve the budget calendar. Commissioner Perry seconded the motion and it passed unanimously.

Commissioner Perry requested the budget document two weeks before the first budget meeting July 19, 2004. CM Stock said he will try to have the budget prepared by July 3, 2004.

ROLL CALL:

Commissioner Lovell – Good to see CM Stock back and good to hear he is doing well.

Commissioner Perry – None

Commissioner Puckett – None

Commissioner Christian – Civic organizations thought to be tax exempt should be sent a letter from the City encouraging them to request donations to help with the tax bill. CM Stock stated staff will send the letters to these organizations and others as well.

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Mayor Knowles – 1) stated it is a great pleasure to serve as Mayor of a city as well run as the City of Leesburg and work with a Commission that works so well together. He is happy to learn the City has \$153M in assets.

2) Leesburg is the smallest city to be chosen as Capital for a Day and the Governor said this ran more smoothly than any other “Day.” He has received a number of letters complimenting Leesburg.

3) Mayor Knowles announced he will not be at the next Commission meeting.

Commissioner Perry moved to adjourn and Commissioner Puckett seconded the motion. The meeting adjourned at 7:12 p.m.

Mayor

ATTEST:

City Clerk

Betty M. Richardson

Recorder

MINUTES 040412